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UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE f this communication appears on th c ver sh et with the corresp ndence address --

Peri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

4)☒ Claim(s) *1,2 and 5-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *2/28/02*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1,2,5-6,9&10 rejected under 35 U.S.C. 102(e) as being anticipated by

Menard et al (US 6,061,056).

Regarding claim 1, Menard et al disclose in Fig.1,2&8 a system for automatically

monitoring broadcasts, such as television broadcasts, and detecting content of

particular interest to individual viewers, comprising:

a) receiving means for receiving a program signal and an information signal

containing program information (see Fig.1&2; tuner 2; col.4, line 54 to col.5, line 19,

which receives the incoming audio, video and closed caption signals), here users are

alerted to program content by continuous checking of the closed caption text stream;

b) recording means for recording a processed received program signal of a

program (see storage 20; col.5, lines 51-55);

c) selection means for selecting at least one program having information

elements contained in the program information (see the user entering data either

through LAN-connected PC 8 or the workstation 3; col.5, lines 23-28), the information

elements comprising at least one given keyword characterized in that the recording

arrangement further comprises keyword detection means for detecting, as a detected

keyword, at least one item of fragment information of the information elements of a

program recorded by the recording means as a processed received program signal, the

keyword detection means providing at least one detected keyword to the selection

means as the at least one given keyword (see col.5, lines 3-38).

Regarding claim 2, Menard et al disclose wherein further comprises a keyword

memory for storing the at least one keyword detected by the keyword detection means

(see database 18; col.5, lines 41-50).

Regarding claim 5, Menard et al discloses wherein the recording arrangement

further comprises a program memory for storing program information derived from a

received information signal (see database 18; col.5, lines 41-55).

Regarding claim 6, Menard et al disclose wherein the recording arrangement

further comprises:

a) display signal generating means (Fig.9; video display generator 64 and closed

caption display generator 66; col.8, lines 39-45), the display signal generating means

being manually activable for generating a display signal representing program

information of selected programs (see Fig.3; col.6, line 56 to col.7, line 4; Fig.7, col.7,

lines 30-38), here in the stored data handling process, user enters keyword for search

through computer keyboard, system searches the closed caption file for matching

keywords and displays list of matching segments. System then prompts user to make a

selection from the displayed list of matching segments, which user does using a mouse,

for example, (see col.7, lines 65-67). Examiner reads user selection from the displayed

list as manual activation;

b) output means for applying the display signal to display means capable of

displaying a list of recording suggestions containing program information of at least one

selected program (see Fig.8&9; personal computer 30 as output means, and video

display unit 28; col.7, line 39 to col.8, line 57; and Fig.13; col.9, lines 21-25);

c) recording programming means for manually marking the program information

of one of the selected and displayed programs, whereby the recording arrangement is

programmable to record the marked program (see Fig.13; col.9, lines 21-25; Fig.6,

col.7, lines 18-26); here examiner reads "marking the program information" as using a

mouse of Windows style control bar, for example, to indicate selected program

information from a displayed list of program information; and furthermore, Fig.6 shows

the detail of alert handling procedure. It ie pertinent to point out that when, for instance,

a selected keyword appears in the closed caption data stream, the system generates an

alert signal to alert the user (see col.5, lines 28-38).

Regarding claim 9, Menard et al disclose wherein the recording means automatically records a program selected by the selection means (see Fig.6, col.7, lines 18-26).

Regarding claim 10, Menard et al disclose wherein the receiving means is capable of receiving an information signal from a computer data network (see Fig.10, col.8, line 58 to col.9, line 12); here a computer network feed arrangement is disclosed wherein the incoming broadcast signals are received by a network server.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al in view of Koshiba et al (US 5,787,426).

Regarding claim 7, Menard et al fail to disclose wherein the keyword detection means detects as keywords only fragment information having a minimum number of characters. Koshiba et al teach a technique for sorting character data and forming a thesaurus on the basis of a data sorting tree which the relationship of keywords or derivatives extracted by the keywords or derivatives extracting techniques comprising keyword candidate creator section 12 which outputs, as keyword candidates, partial

character strings each being included in the title of the example inputted, and each

having a number of characters which is within a predetermined range. This partial

character string having a number of characters larger than 3 (minimum number of

characters) but smaller than 12 (maximum number of characters), is output as a

keyword candidate. A list of partial character strings which fall within the predetermined

character range is extracted as for that of keyword candidates (see Fig.1,4,5,7&14;

col.20, lines 50-64; and col.22, lines 3-16).

Using keyword derivation technique of the keyword candidate creator section 12

wherein keywords are selected from keywords candidates whose character size falls

within a range of a predetermined minimum and a predetermined maximum facilitates

the keyword selection process by making keyword selection simple.

It would have been obvious to modify Menard et al by realizing Menard et al with

a keyword candidate creator section, for example, which outputs, as keyword

candidates, partial character strings each being included in the example inputted, and

each having a number of characters which is within a predetermined minimum and

maximum character range, as taught by Koshiba, since this facilitates the keyword

selection process by making keyword selection simple.

5.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et

al in view of Imanaka et al (US 6,240,378).

Regarding claim 8, Menard et al fail to disclose wherein the recording arrangement further comprises an exclusion memory for storing at least fragment information which is to be excluded as a keyword by the keyword detection means.

Imanaka et al teach an information abstracting method, an information abstracting apparatus, and a weighting method, which can be used when extracting prescribed keywords from a plurality of character string data sets divided into prescribed units, wherein exception keywords that can not by used as keywords (see such keywords as shown in Table 21 of column 40) are stored in the exception keyword storing section 91 of Fig.24 (see col.39, line 63 to col.40, line 57; and col.49, lines 21-29).

The exception keywords are keywords not significant in expressing a topic, such as articles "a", "the", prepositions, etc, in the English language, can be excluded.

It would have been obvious to modify Menard et al by identifying and storing exception keywords, as taught by Imanaka et al, since the exception keywords are keywords not significant in expressing a topic, such as articles "a", "the", prepositions, etc, in the English language. In this way, when extracting or choosing a keyword from, for example, data written in the English language, any keyword identical to a keyword stored in the exception keyword storing means is excluded from the group of keywords to be chosen or extracted (see col.11, lines 34-44), thereby simplifying the searching process, by not searching such exception keywords as "a", "the", etc.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

COO

8/4/06.

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Supervisory Patent Examiner
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